

by the county commissioners of the county, or the judge of the superior court of Baltimore city, in the penalty of two thousand dollars, conditioned "that the said constable shall well and faithfully execute the said office in all things appertaining thereto, and shall also well and truly account for all moneys placed in his hands for collection, or received by him on judgments, and shall well and truly pay over the same;" and the said bond shall be recorded in the office of the clerk of the circuit court for the county, or of the clerk of the superior court of Baltimore city, and a copy thereof, under the seal of the said court, shall be good evidence to prove the execution of such bond in any court of this State.

The condition of a constable's bond is the same as that of a sheriff's bond. When sureties on such a bond are liable. Distinction between acts done *virtuti officii*, and those done *colore officii*. *Wilson v. Fowler*, 88 Md. 601.

Where a constable seizes the goods of the wrong party, his bond is not responsible. *State v. Brown*, 54 Md. 323.

The responsibility of a constable's bond is not affected by his failure to take the oath, or by his own neglect. *Burtles v. State*, 4 Md. 278.

See sec. 10 and notes, and sec. 15, *et seq.*

As to the time within which suit on a constable's bond must be brought, see art. 57, sec. 6.

See art. 87, sec. 2, and notes.

1904, art. 20, sec. 3. 1888, art. 20, sec. 3. 1860, art. 23, sec. 3. 1852, ch. 274, sec. 3.

3. For each new election district that may be formed and established in the several counties, and for each additional ward that may be created in the city of Baltimore, there shall be appointed as prescribed by the constitution, two justices of the peace and two constables, unless a different number be specially provided by law.

Execution of Process and Collection of Debts.

Ibid. sec. 4. 1888, art. 20, sec. 4. 1860, art. 23, sec. 4. 1715, ch. 15, sec. 6.

4. Every constable shall obey and execute all process directed to him from any justice of the peace concerning any matter, debt or demand between party and party, and all criminal process directed to him from any justice of the peace, and shall return such civil or criminal process according to the command therein contained.

The constable is liable if he executes the process of a tribunal of inferior and limited jurisdiction, when that process shows that it is void because the tribunal had no jurisdiction over the person or property, although jurisdiction might have been had over the subject-matter if the law had been fully complied with. *Campbell v. Webb*, 11 Md. 482.

As to the duty of constables in cases of bastardy, see art. 12, sec. 4.

Ibid. sec. 5. 1888, art. 20, sec. 5. 1860, art. 23, sec. 4. 1791, ch. 68, sec. 11.

5. If a constable to whom any summons is delivered shall not make return thereof according to the command of the same, it shall be lawful for the justice who issued the said summons, upon application of the plaintiff or his agent or attorney, and proof made of the delivery of the said summons by the confession of the constable or by the oath of the plaintiff, his agent or attorney, or any other credible witness, to call such constable before him, and unless a good excuse is offered, fine him for said neglect any sum not exceeding one dollar.